



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

March 26, 2012

Regulatory Division (SPK-2009-01483)

Mark McLoughlin
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

Dear Mr. McLoughlin:

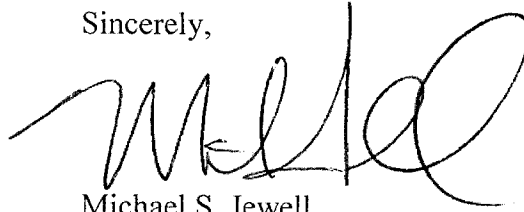
I am writing in response to your February 22, 2012, Checkpoint C Package, and the March 9, 2012 response for the proposed Merced to Fresno segment of the California High-Speed Train ("CHST") Project. In accordance with our *National Environmental Policy Act/Clean Water Act Section 404/Rivers and Harbors Act Section 14 Integration Process for the California High-Speed Train Program Memorandum of Understanding* dated November 2010 (NEPA/404/408 MOU). This letter is our formal response.

As a cooperating agency for preparation of the Merced to Fresno Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and in fulfillment of our responsibilities under the NEPA/404/408 MOU, we offered feedback to the Federal Railroad Administration as well as the California High-Speed Rail Authority ("Authority") on the preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) determination and draft Compensatory Mitigation Plan. We provided a formal response to the November 14, 2011 Checkpoint C Summary Report and Information Packet, on December 22, 2011. We also provided comments on the February 22, 2012 submittal in a formal letter on March 1, 2012 and discussed these comments with your staff and consultants in a meeting on the same day. The Authority provided additional information and clarification on March 9, 2012, per our requests.

After reviewing the data provided we concur the Hybrid alternative is the preliminary LEDPA. In addition we concur with the draft Compensatory Mitigation Plan and draft Mitigation Strategy and Implementation Plan, however we will continue to work with the Authority as further refinements of this plan are necessary. You will need to provide a final mitigation plan in accordance with 33 CFR Part 332, Compensatory Mitigation for Losses of Aquatic Resources. The plan needs to follow a watershed approach and offset all functions and services. The Corps cannot make a permit decision until we receive a final mitigation plan.

We appreciate your willingness to work with this office to reach this concurrence. If you have any questions, please contact Zachary Simmons at our California South Branch, 1325 J Street, Room 1350, Sacramento, California 95814-2922, email Zachary.M.Simmons@usace.army.mil, or telephone 916-557-6746. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,

A handwritten signature in black ink, appearing to read 'MJ', with a large, stylized flourish extending from the end.

Michael S. Jewell
Chief, Regulatory Division

Copy furnished

Mr. David Valenstein, Federal Railroad Administration, 1200 New Jersey Avenue SE- Mail Stop 20, Washington, D.C. 20590-0001

Ms. Connell Dunning, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105

Mr. Jason Brush, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105

Mr. Bryan Porter, Parsons Brinckerhoff, 925 L Street, Suite 1425, Sacramento, California 95814-3704